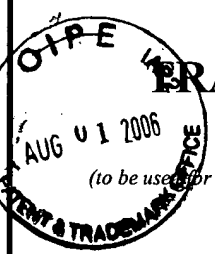


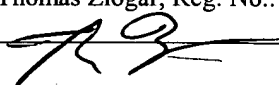
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|   |  |                        |                       |
|---|--|------------------------|-----------------------|
|  <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) |  | Application Number     | 10/753,205            |
|   |  | Filing Date            | January 6, 2004       |
|   |  | First Named Inventor   | Daniel John Dilorenzo |
|   |  | Art Unit               | 3762                  |
|   |  | Examiner Name          | Scott M. Getzow       |
| Total Number of Pages in This Submission<br>(Not include references)  |  | Attorney Docket Number | 31685-704.503         |


**ENCLOSURES (Check all that apply)**

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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>1. Return receipt postcard<br>2. PTO/SB/08<br>3. Copies of references #377-663 |
| <b>Remarks</b><br>A fee of \$180.00 is authorized to be charged to Deposti Account No. 23-2415 (Docket No. 31685-704.503) for filing of the IDS.   |  |   |

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

|                         |   |  |  |
|-------------------------|---|--|--|
| Firm or Individual name | Thomas Zlogar, Reg. No.: 55,760, WILSON SONSINI GOODRICH & ROSATI                   |  |  |
| Signature               |  |  |  |
| Date                    | AUGUST 1, 2006  |  |  |

**CERTIFICATE OF TRANSMISSION/MAILING**

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08-03-06

12W/12



Attorney Docket No. 31685-704.503  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Daniel John DiLorenzo

Serial Number: 10/753,205

Filing Date: January 6, 2004

Title: APPARATUS AND METHOD FOR  
CLOSED-LOOP INTRACRANIAL  
STIMULATION FOR OPTIMAL  
CONTROL OF NEUROLOGICAL  
DISEASE

Group Art Unit: 3762

Examiner: Scott M. Getzow

CONFIRMATION NO: 5641

FILED BY EXPRESS MAIL ON: AUGUST 1, 2006  
EXPRESS MAIL LABEL NO.: EV 711417825 US

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.97**

Sir:

Applicant(s) hereby submit(s) an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicant(s) respectfully request(s) that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicant(s) further request(s) that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

A. ☐ 37 CFR §1.97(b). This Information Disclosure Statement should be considered by the Office because:

☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);

-- OR --

☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;

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☐ (3) It is being filed before the mailing of a first Office action on the merits;

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B. ☒ 37 CFR §1.97(c). Although this Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:

☐ a statement as specified in §1.97(e) provided concurrently herewith;

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☒ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.

C. ☐ 37 CFR §1.97(d). Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:

i. a statement as specified in §1.97(e);

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ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.

D. ☐ 37 CFR §1.97(e). Statement.

☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);

-- AND/OR --

☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);

-- AND/OR --

☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.

E. ☐ Statement Under 37 C.F.R. §1.704(d). Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart

application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. ☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

☒ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G. ☒ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

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☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: \_\_\_\_\_

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H. ☐ 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

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Application in which the information was submitted: \_\_\_\_\_

Information Disclosure Statement(s) filed on: \_\_\_\_\_

AND

☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

- I. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 31685-704.503).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI



Dated: 8/1/06

By: \_\_\_\_\_  
Thomas Zlogar, Reg. No. 55,760

650 Page Mill Road  
Palo Alto, CA 94304-1050  
(650) 493-9300  
Customer No. 021971



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|   |   |    |    | Application Number       | 10/753,205            |
|   |   |    |    | Filing Date              | January 6, 2004       |
|   |   |    |    | First Named Inventor     | Daniel John DiLorenzo |
|   |   |    |    | Art Unit                 | 3762                  |
|   |   |    |    | Examiner Name            | Scott M. Getzow       |
| Sheet   | 1 | Of | 38 | Attorney Docket Number   | 31685-704.503         |

| U.S. PATENT DOCUMENTS |                       |   |                                |  |   |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       | 1.                    | US 2001/0051819 A1  | 12-13-2001                     | Fischell, et. al.                                  |   |
|                       | 2.                    | US 2001/0056290 A1  | 12-27-2001                     | Fischell, et. al.                                  |   |
|                       | 3.                    | US 2002/0002390 A1  | 01-03-2002                     | Fischell, et. al.                                  |   |
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|                       | 5.                    | US 2002/0072770 A1  | 06-13-2002                     | Pless  |   |
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|                       | 15.                   | US 2002/0177882 A1  | 11-28-2002                     | DiLorenzo  |   |
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|                       | 19.                   | US 2003/0018367 A1  | 01-23-2003                     | DiLorenzo  |   |
|                       | 20.                   | US 2003/0028072 A1  | 02-06-2003                     | Fischell et al.                                    |   |
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| Sheet  | 2 | Of | 38 | Attorney Docket Number   | 31685-704.503         |

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|  |   |    |    | Examiner Name            | Scott M. Getzow       |
| Sheet  | 3 | Of | 38 | Attorney Docket Number   | 31685-704.503         |

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| Sheet  | 4 | Of | 38 | Attorney Docket Number   | 31685-704.503         |

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|  |   |    |    | Art Unit                 | 3762                  |
|  |   |    |    | Examiner Name            | Scott M. Getzow       |
| Sheet  | 9 | Of | 38 | Attorney Docket Number   | 31685-704.503         |

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|  |    |    |    | Filing Date              | January 6, 2004       |
|  |    |    |    | First Named Inventor     | Daniel John DiLorenzo |
|  |    |    |    | Art Unit                 | 3762                  |
|  |    |    |    | Examiner Name            | Scott M. Getzow       |
| Sheet  | 13 | Of | 38 | Attorney Docket Number   | 31685-704.503         |

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|                          | 402.                  | EP 1558128 (Abstract)   | 08-03-2005                  | Medtronic Inc.                                  |   |                |
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|  |    |    |    | Art Unit                 | 3762                  |
|  |    |    |    | Examiner Name            | Scott M. Getzow       |
| Sheet  | 18 | Of | 38 | Attorney Docket Number   | 31685-704.503         |

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|  |    |    |    | Examiner Name            | Scott M. Getzow       |
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|  |    |    |    | Examiner Name            | Scott M. Getzow       |
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|  |    |    |    | Art Unit                 | 3762                  |
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| Substitute for form 1449/PTO<br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i> |    |    |    | <b>Complete if Known</b> |                       |
|  |    |    |    | Application Number       | 10/753,205            |
|  |    |    |    | Filing Date              | January 6, 2004       |
|  |    |    |    | First Named Inventor     | Daniel John DiLorenzo |
|  |    |    |    | Art Unit                 | 3762                  |
|  |    |    |    | Examiner Name            | Scott M. Getzow       |
| Sheet  | 38 | Of | 38 | Attorney Docket Number   | 31685-704.503         |

| UNPUBLISHED PATENT APPLICATIONS |                       |   |                |  |
|---------------------------------|-----------------------|---|----------------|--|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.                               | T <sup>6</sup> |  |
|                                 | 656.                  | Daniel John Dilorenzo, U.S. Patent Application No. 10/858,899, entitled "Closed-loop feedback-driven neuromodulation," filed June 1, 2004 (WSGR Reference No. 31685-704.505)  |                |  |
|                                 | 657.                  | Daniel John Dilorenzo, et al., U.S. Patent Application No. 11/159,842, entitled "Closed-loop feedback-driven neuromodulation," filed June 22, 2005 (WSGR Reference No. 31685-704.508)   |                |  |
|                                 | 658.                  | Daniel J. Dilorenzo, U.S. Patent Application No. 11/234,873, entitled "Systems and methods for monitoring a patient's neurological disease state," filed September 23, 2005 (WSGR Reference No. 31685-704.509)  |                |  |
|                                 | 659.                  | Daniel J. Dilorenzo, U.S. Patent Application No. 11/239,653, entitled "Systems and methods for monitoring a patient's neurological disease state," filed September 28, 2005 (WSGR Reference No. 31685-704.510)  |                |  |
|                                 | 660.                  | Daniel John Dilorenzo, U.S. Patent Application No. 11/282,317 entitled "Closed-loop vagus nerve stimulation," filed November 17, 2005 (WSGR Reference No. 31685-704.511)  |                |  |
|                                 | 661.                  | Kent W. Leyde, et al., U.S. Patent Application No. 11/321,897, entitled "Methods and systems for recommending an appropriate action to a patient for managing epilepsy and other neurological disorders," filed December 28, 2005 (WSGR Reference No. 31685-713.201)                          |                |  |
|                                 | 662.                  | Daniel J. Dilorenzo, et al., U.S. Patent Application No. 11/321,989, entitled "Methods and systems for recommending an appropriate pharmacological treatment to a patient for managing epilepsy and other neurological disorders," filed December 28, 2005 (WSGR Reference No. 31685-713.202) |                |  |
|                                 | 663.                  | Mike Bland, et al., U.S. Patent Application No. 11/322,150, entitled "Systems and methods for characterizing a patient's propensity for a neurological event and for communicating with a pharmacological agent dispenser," filed December 28, 2005 (WSGR Reference No. 31685-713.203)        |                |  |

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